

SA 4076. Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

“(a) **AUTHORITY TO PROVIDE ASSISTANCE.**--(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

“(b) **AUTHORIZED ACTIVITIES.**--The activities authorized by this subsection are any of the following:

“(1) Ground reconnaissance activities;

“(2) Airborne reconnaissance activities;

“(3) Logistical support;

“(4) Provision of translation services and training;

“(5) Administrative support services;

“(6) Technical training services;

“(7) Emergency medical assistance and services;

“(8) Communications services;

“(9) Rescue of aliens in peril;

“(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and

“(11) Ground and air transportation.

“(c) **COOPERATIVE AGREEMENTS.**--Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

“(d) **COORDINATION OF ASSISTANCE.**--The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

“(e) **ANNUAL TRAINING.**--Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

“(f) **DEFINITIONS.**--In this section:

“(1) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

“(3) The term ‘State along the southern border of the United States’ means each of the following:

“(A) The State of Arizona.

“(B) The State of California.

“(C) The State of New Mexico.

“(D) The State of Texas.

(g) **DURATION OF AUTHORITY.**--The authority of this section shall expire on January 1, 2009.

(h) **PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.**--Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(i) **REIMBURSEMENT.**--The Secretary of Homeland Security shall reimburse the Secretary of Defense for any support beyond that authorized by subsection (a)(1) that is provided by the National Guard or the armed forces to components of the Department of

Homeland Security for the purpose of securing the southern land border of the United States.